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UNCLAS SECTION 01 OF 04 CHISINAU 000264

DEPT FOR CA/FPP; DS/ICI/CR  
POSTS FOR FRAUD PREVENTION MANAGERS  
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SUBJECT: Fraud Summary - Chisinau: September 2008 -February 2009

REF: 08 STATE 74840

1A. COUNTRY CONDITIONS: Before its forced annexation into the Soviet Union in 1940, Moldova was part of Romania for 21 years, and hence enjoyed close ties to Europe. Those historic ties, and the ability of many Moldovans to quickly learn Romance languages similar to their native Romanian, have made it possible for hundreds of thousands of Moldovans - between 25% and 33% of the working-age population - to live and work in Western Europe, particularly in Italy, Spain and Portugal. Most Moldovans also speak Russian and many more work in Russia. Although Moldova's per capita GDP has more than doubled in the last five years, the current international financial crisis now threatens that growth as remittances from those working abroad decline. Business and investment suffer because of corruption, excessive bureaucracy and official interference. Many public services, particularly healthcare, are being overwhelmed by the combined impact of budgetary constraints and an aging population.

Moldovan passports are considered secure, although most other documents provided by visa applicants are unreliable. School or university diplomas, drivers' licenses and employment booklets can be purchased on the local market. False documents are available from some Moldovan officials. Local firms advertise visa assistance services in newspapers and help applicants secure letters of invitation and prepare documents.

Moldova's law enforcement and judicial systems are under-funded, poorly trained, often corrupt, and lack public support and credibility. EU and U.S. training assistance efforts have helped the host government revise legislation, improve effectiveness, increase transparency and impose accountability. However, criminal prosecution of document and passport fraud is very limited in Moldova.

A separatist regime controls a narrow strip of land in the Transnistria region of eastern Moldova. Many Transnistrian companies are not legally registered with Moldovan authorities and operate in contravention of Moldovan law. Verification of work and travel documents from this area is extremely difficult. Residents of Transnistria frequently hold Russian or Ukrainian passports in lieu of Moldovan passports.

Chisinau is a medium fraud post.

1B. NONIMMIGRANT VISA FRAUD:

B-1/B-2: Moldova's weak economic condition and lack of criminal prosecution are the main factors contributing to NIV fraud. Most Moldovan citizens who commit NIV fraud do so to travel to the United States to work illegally. Their destinations are usually the larger Moldovan refugee communities, most commonly in and around Sacramento, CA, Portland OR, Tacoma, WA, and Asheville, NC. Others

attempt to go to Russian-speaking communities in Brooklyn, NY, or Los Angeles, CA. Given the large disparity between wages in Moldova and the United States (in Moldova, professionals normally earn monthly salaries between USD 200-500, and construction workers usually earn up to around USD 500 monthly), many applicants are willing to pay hundreds and even thousands of dollars for forged documents to support their case for an NIV.

Post has observed that most applicants using fraudulent documents to obtain visas are between 18 and 35 years of age, but many older Moldovan citizens also try to work illegally in the U.S. Post regularly sees applications from middle-aged women going to Los Angeles claiming to visit long-resident relatives, but actually intending to work in nursing homes. Applicants in the above categories normally are dispatched through INA 214(b) refusals.

A large number of NIV applicants are sponsored by churches and religious organizations in the United States, usually to visit communities with large Moldovan refugee communities. Post has not detected significant fraud or abuse of visas by applicants in that category.

In the past year post has seen several applicants planning to attend intensive English language training programs, most often in New York City. The applicants claim to have located the U.S. schools and applied for SEVIS without the aid of middlemen. However, searches of SEVIS by school and nationality show that groups of applicants attending the same school enter SEVIS at the same time, frequently on the same day. The improbability that they are acting independently, usually combined with completely unrealistic expenses and weak social and work ties, result in INA 214(b) refusals.

J-1 - The Summer Work and Travel Program: Post received a record

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7,000 applications for the Summer Work and Travel (SWT) program in 2008, and issued 5,500 visas. We conducted a thorough validation study in November, 2008 and found that 23% of SWT applicants had remained in the United States after the completion of their programs. Roughly half of those had applied to USCIS for an adjustment of status. The validation survey determined that final year students constituted the highest risk for overstay (51%). It also noted other significant risk categories (e.g., Sports University, older students, specific U.S. employers), but found that wide differences in return rate between local recruiting companies seen in 2007 had been largely eliminated.

Post works closely with the Ministries of External Affairs and Education to curb SWT abuses. We maintain close contact with U.S. sponsors active in Moldova to better inform them about local conditions and recruiting companies.

J-1 Trainees and Interns: Post continues to see (and refuse) ostensible J-1 training and intern programs for hotel housekeeping, food and beverage, fast food restaurant workers, and other unskilled labor positions. Most of these applicants are former SWT program participants who have recently graduated university and face poor employment prospects in Moldova.

H-2B Visas: Post detected a new trend in H2-B applications during the reporting period, receiving applications from those who could clearly not earn enough money working legally in the United States to pay for program expenses. When post placed calls to local recruiting companies, posing as potentially interested clients for H-2B programs, we were quoted "processing fees" from USD 1,900 to 3,000 Euros. When we asked applicants at visa interviews how much they paid for their applications, they responded with obviously coached answers that they paid a certain amount, usually USD 600. One petitioner instructed his applicants to state that they pay nothing up front for the program. One applicant, quizzed on this point, speculated that the petitioner ran a charity organization. Our calls to that petitioner's local recruiter revealed an actual processing fee of USD 3,000 for those who obtained visas.

Frequently applicants admitted that they could not cover expenses but that they would get a second (illegal) job. We also saw a case

in which it appeared that the petitioner (for housekeeping jobs in Miami, FL hotels) was fronting for a poultry processing plant in Virginia. After contacting employers in the U.S. about work arrangements, it became clear that another petitioner was obviously benching hotel workers, and hiring them out on an as-needed basis to hotels, other than those identified in the petition, in and around Naples, FL.

**Adjustment of Status in the United States:** Post has detected several institutions that have many Moldovans on their student rolls, all or most of who have applied for their I-20s or DS-2019s while already in the United States on a B-1/B-2 or J-1 visa. Whenever post receives an F-1 application at post from an unfamiliar institution, we search SEVIS using the school name and the Moldovan country code. We now routinely run results of ADIS searches that indicate an individual has applied for a change of status to F-1 or J-1 through SEVIS to spot schools hosting other visa holders who have failed to return to Moldova.

**1C. IV FRAUD:** Immigrant Visas for Moldovans are processed in Bucharest. Post takes occasional I-130 petitions and processes I-604 (Request for and Report on Overseas Orphan Investigation) for international adoption cases originating from Moldova. We have not seen suspicious I-130 petitions during the reporting period.

**1D. DV FRAUD:** Embassy Bucharest processes all DV applications for Moldovan citizens. On occasion Bucharest requests assistance with checking the legitimacy of Moldovan documents, usually diplomas, with local authorities. Post has confirmed a few fake diplomas submitted by Moldovan applicants to Embassy Bucharest. Post has been contacted by a few Moldovans who have had their winning DV entries intercepted and held hostage by the companies that submitted their entries. The applicants then have to pay the companies USD 1,200-1,400 to receive their winning applications.

**1E. ACS AND U.S. PASSPORT FRAUD:** In November, Post received a CRBA application from a naturalized American who falsely claimed sufficient presence in the United States to transmit citizenship to his newborn child. ADIS checks of his travel record contradicted his account on several points, and he withdrew his application. Chisinau has not otherwise encountered incidences of U.S. passport and citizenship fraud.

**1F. ADOPTION FRAUD:** As noted above, Chisinau does not process IV  
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cases, but it does process I-604 overseas orphan investigation requests. Local authorities administer international adoptions carefully and post has not encountered a suspicious or fraudulent adoption.

**1G. USE OF DNA TESTING:** Post has not employed DNA testing.

**1H. ASYLUM AND OTHER DHS BENEFIT FRAUD:** Chisinau has not seen direct evidence of asylum cases or DHS benefits fraud. We see fewer than five lost I-551s per year. However, post notes that a large number of NIV applicants traveling to visit "refugee" relatives indicate that their relative emigrated for reasons other than credible fear of persecution. When asked why they thought their relatives applied for refugee status, visa applicants commonly refer to abuses that occurred in the Soviet period. Many of these refugees return regularly to Moldova for family visits. Communities with large refugee populations are also primary sources of suspicious invitations for NIV applicants.

**1I. ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, AND TERRORIST TRAVEL:** While we are aware of reported trafficking of Moldovans to Turkey, Western Europe, and other former Soviet states, post has seen little evidence of transit to the United States. We are not aware of the production in Moldova of fake U.S. travel documents. An Amcit accused of operating a ring trafficking electricians to Baltimore on H-2B and H-3 visas last year was sentence to five months in prison and a \$250,000 fine on November 14.

The RSO has cultivated an excellent relationship with local law enforcement officials. Based on their information, we have entered

the identities of nearly two hundred known and suspected Moldovan OC figures into CLASS. Post has no indication of terrorist travel from Moldova.

J. DS CRIMINAL FRAUD INVESTIGATIONS: The Consular Section has not initiated investigations at post in the past year requiring RSO assistance.

K. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS, AND CIVIL REGISTRY: Host country identification documents are of high quality and considered secure. Post has not detected a false Moldovan passport, but is aware of a recent case in which Government of Moldova authorities detected a genuine passport issued with fake supporting documentation. Moldova began issuing biometric passports in March, 2008. Regular-issue Moldovan passports are machine-readable and those manufactured after June 2005 contain a digitalized photo.

The host government authorizes the simultaneous possession of two valid tourist passports. Moldova has begun in the past year to issue machine-readable official and diplomatic passports with digitalized photos. Older versions still in service are not machine-readable and contain laminated photos. Regular Moldovan Passports cost USD 12 and can be obtained in one month; however, for a USD 100 expediting fee, a Moldovan passport can be ordered and received in one day. Applicants for passports must present birth certificates, proof of identification, and in the case of university graduates, diplomas.

L. COOPERATION WITH HOST GOVERNMENT AUTHORITIES: The Consular Section has an active relationship with the Ministry of External Affairs. As noted above, the RSO maintains excellent relations with host government law enforcement, including its Center for Combating Economic Crime and Corruption and the Center for Combating Trafficking in Persons. The Ministry of Education and the General Department of Civil Records are reliable sources when we seek to verify educational, marriage and birth records.

M. AREAS OF PARTICULAR CONCERN: With several thousand Moldovan students recently participating in Summer Work and Travel program jobs in the United States, Chisinau is concerned that many have been actively sought out and encouraged to adjust status in the United States by members of their respective immigrant communities and "facilitators" for immigration attorneys. These facilitators actively advertise services to assist Moldovans in the United States to adjust status to F-1 or H2B with USCIS in order to prolong their stays. In the past two years, according to ADIS data, more than 1,000 Moldovan SWT participants (10% of the total) sought to adjust status in the United States. This rate of applications to extend status strikes us as far higher than might be reasonable expected and that Moldovan exchange program participants are being encouraged by various third parties to remain in the United States.

N. STAFFING AND TRAINING: Chisinau has one full-time Consular Officer, Consul David Franz, who attended fraud prevention training at FSI in 2007. The Fraud Prevention FSN, hired in 2008, has not

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attended fraud prevention training.

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